

OPI Pulse: House Bill 7195/Senate Bill 1546 Charter Schools

Background:

Charter schools are public schools that operate under a performance contract with a sponsor. This performance contract is known as a “charter.” Florida school districts and universities may serve as a charter school sponsor. Charter schools are statutorily exempted from many of the regulations applicable to traditional public schools. This exemption serves to encourage the use of innovative learning methods.

Charter schools and traditional public schools do share some similarities. For instance, charter schools are funded in the same manner as traditional public schools and may not charge tuition. A charter school’s students must take required statewide assessments and Florida’s charter schools receive an annual school grade just like Florida’s traditional public schools. Teachers employed by or under contract with a charter school must be certified like their counterparts in traditional public schools.

Charter schools are open to all students in their respective school district, just like traditional public schools but prospective charter school students must apply for enrollment in the charter school and, if the number of applications exceeds the school’s capacity, a random lottery must be used to determine which students are enrolled. Florida law authorizes all charter schools to give an enrollment preference to the siblings of current charter school students, children of charter school governing board members, or children of charter school employees. Charter schools may also limit enrollment to specific student populations such as certain age groups, students at risk of dropping out, or exceptional students.

Issues at a Glance:

The House K-20 Innovation Subcommittee originally proposed House Bill 7195. On May 3, 2011, House Members amended the primary substance of House Bill 7195 onto Senate Bill 1546. On May 4, 2011, Senate Bill 1546 passed the House by a vote of 87 to 27. Senate Bill 1546 then passed the Senate later that day by a vote of 31 to 8.

Among other things, the bill establishes criteria for identifying “high-performing” charter schools and “high-performing” charter school systems. The bill also specifies a high-performing charter school may increase enrollment, expand grade levels served and establish a new charter school where its educational program will be replicated. Proponents of the bill have expressed the following reasons for the legislation:

- Proponents assert that identifying high-performing charter schools based upon academic achievement and financial stability will better

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Quick Look:

This document includes:
Background Information,
Quick Facts, Reference
websites and Frequently
Asked Questions about
[CS/CS/HB 7195](#) (later
named [CS/CS/CS/SB 1546](#))
introduced by the [House](#)
[K-20 Innovation](#)
[Subcommittee](#) chaired by
[Representative Stargel](#).

Quick Facts:

410: Number of charter
schools in Florida

137,000+: Number of
students enrolled in
Florida charter schools

Quick Facts (cont.)

1996: Florida's first charter school is established

43: Number of school districts with charter schools

2: Number of state universities with charter schools

**Source: Florida Department of Education 2009-10*

5/12/11

inform parents of those charter schools with a proven track record of success.

- Proponents believe allowing high-performing charter schools to increase enrollment and expand grade levels will enable these schools to serve more students.
- Proponents believe allowing high-performing charter schools to replicate will promote statewide expansion of successful charter school models.

What the Bill Does:

Senate Bill 1546 establishes qualifications and benefits for high-performing charter schools and high-performing charter school systems, establishes additional student enrollment preferences, revises the due process procedure for charter termination or non renewal, and requires the Department of Education to provide information on various charter school funding issues.

Among other things the bill:

- Identifies a high-performing charter school as a charter school that:
 - Receives at least two school grades of "A" and no less than a "B" during each of the previous three school years; and
 - Receives unqualified opinions with no financial emergency conditions on annual financial audits for the most recent three fiscal years for which such audits are available.
- Allows high-performing charter schools to receive the following benefits:
 - Ability to increase student enrollment once per year by up to 15 percent.
 - Ability to expand grade levels served within kindergarten through grade 12 (within the 15 percent limit for enrollment increases);
 - Ability to consolidate under a single charter multiple high-performing charter schools operated in the same school district by the same governing board.
 - Authorization to submit quarterly, rather than monthly, financial statements to its sponsor; and
 - Authorization to modify or renew its charter for a term of 15 years (subject to annual review by the sponsor).
- Allows a high-performing charter school to submit an application in any Florida school district to establish a new charter school that substantially replicates its educational program.
 - The bill limits the reasons a sponsor may deny the application and establishes that appeals of application

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Term to Understand:

Department of Education:

Serves more than 2.6 million public schools students, 3,800 public schools, and 180,000 teachers statewide. One of the Department's key missions is to maintain education data from school districts, state colleges, universities and independent postsecondary institutions.

School Grades: An accountability model for Florida public schools created by former Governor Jeb Bush. Schools are graded on an "A" to "F" scale based on student assessments. This helps determine the amount of bonus funding each school receives and is also used by parents when determining where to send their child to school.

denials are to be expedited to the State Board of Education.

- The bill limits the number of new charter schools that may be established in this manner to one in a given year and additional schools may not be established unless previously established schools achieve "high-performing" status.
- Specifies a high-performing charter school loses its designation and associated benefits if the school receives a school grade of "C" or lower twice during its 15-year charter.
 - Prohibits virtual charter schools from receiving "high-performing" status and replication of high-performing charter schools as virtual charter schools.
- Establishes a high-performing charter school system designation for entities that:
 - Include at least three high-performing charter schools in Florida, as defined in the bill;
 - Have at least 50 percent of its charter schools designated as "high-performing" with no charter school receiving a school grade of "D" or "F"; and
 - Have not received an annual financial audit that revealed a financial emergency condition for any charter school operated by the entity in Florida.
- Allows that a high-performing charter school system may replicate its high-performing charter schools through the process used by individual high-performing charter schools.
- Authorizes new optional enrollment preferences for charter schools:
 - A charter school-in-the-workplace may give a preference to children of its business partner or children of residents of the municipality in which the school is located.
 - A charter school-in-a-municipality may give a preference to children of residents of the municipality.
 - All charter schools may give a preference to children who complete a Voluntary Prekindergarten Education program provided by the school or its board in the previous program year or children of active-duty military personnel.
- Eliminates the informal hearing process for charter termination or nonrenewal and instead requires a formal hearing.
- Establishes student transfer and federal charter school grant accountability requirements for charter schools operated under the same governing board as separate schools in shared facilities.

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For Your Reference:

[Florida House of Representatives](#)

[Florida Department of Education](#)

[Virtual Instruction Bill](#)

[Student Success and Teacher Quality Bill](#)

- Authorizes a charter school system to serve as its own local educational agency for federal funding purposes if it meets certain criteria.
- Requires the Commissioner of Education to appoint enough members to the Charter School Appeal Commission as necessary to avoid conflicts of interest.
- Directs the Department of Education to provide information related to discretionary millage for capital outlay, federal funding provided to charter schools, and sponsor-provided administrative services.

Frequently Asked Questions: House Bill 7195/Senate Bill 1546

What does defining a charter school or system as “high-performing” do for parents?

Proponents believe defining a charter school or system as high-performing will allow parents to identify high quality charter schools in their districts and make informed decisions about where their child should attend.

Why does the bill limit the number of new charter schools a high-performing charter school may establish?

Proponents of the bill assert their focus is quality, not quantity. They state that limiting the replication of high-performing charter schools increases the likelihood that appropriate resources will be devoted to maintaining a high level of academic and financial performance at those schools.

Why does the bill prohibit virtual charter schools from receiving “high-performing” status?

Proponents state the bill prohibits virtual charter schools from receiving high-performing status because this educational model has not yet been tried in Florida. A bill titled CS/CS/HB 7197, Digital Learning, was passed by both the House and Senate this Session which will, for the first time, authorize the establishment of virtual charter schools.

What is an enrollment preference?

An enrollment preference enables a charter school to allow certain students to enroll in the school without participating in a random lottery. Enrollment preference allows charter schools to target certain students. All enrollment preferences authorized in current law and by this bill are optional.

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